

**Before the  
Federal Communications Commission  
Washington, D.C.**

In the Matter of

Location-Based Services

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WT Docket No. 11-84

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**COMMENTS OF TECHAMERICA**

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TechAmerica hereby submits these comments to the Federal Communications Commission (“Commission”) in regard to the Commission’s Public Notice regarding location-based services (“LBS PN”).<sup>1</sup> TechAmerica’s members play a variety of roles in the development, deployment, and utilization of location-based services. TechAmerica, therefore, is pleased to be able to file comments on their behalf in this proceeding.

TechAmerica is the leading voice for the U.S. technology industry, which is the driving force behind productivity growth and jobs creation in the United States and the foundation for the global innovation economy. Representing approximately 1,000 member companies of all sizes from the public and commercial sectors of the economy, TechAmerica’s members include chip makers, Internet service providers, device manufacturers, and application platform providers, among others. All have a vested interest in the successful evolution of location-based services (LBS).

### **Regulatory Review of LBS Requires Prudence**

TechAmerica welcomes the opportunity to provide the Commission input on the benefits of LBS. TechAmerica especially appreciates the Commission’s recognition that LBS “have become an important part of the mobile market and a boon to the economy.”<sup>2</sup> And TechAmerica agrees with the Commission that consumer privacy is vitally important to the adoption and utilization of broadband, mobile devices, and online services.

To be sure, the LBS marketplace is in its nascent stages. Developers of these services, along with the network and platform providers and device manufacturers that

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<sup>1</sup> *FCC Staff to Host Forum Aimed at Helping Consumers Navigate Location-Based Services*, Public Notice, WT Docket No. 11-84 (released May 17, 2011) (“LBS PN”).

<sup>2</sup> *Id.*

enable the utilization of LBS, are just beginning to scratch the surface of the innovative potential of LBS. As the adoption of smartphones and other mobile devices continues to grow exponentially, so too will innovations in the way individuals interact and share information, thus resulting in tremendous social and economic benefits.

As the Commission learned on June 28 during its public forum on this subject, the LBS market is but a child in its growth phase and requires kid gloves from regulators, including the Commission, as it matures. LBS provide tremendous value to consumers; whether it be helping one locate a favorite restaurant or assisting in locating a missing loved one, LBS are revolutionizing how we live. Indeed, the recent launch of the Personal Localized Alerting Network (PLAN) demonstrates the importance and benefits of geographically-targeted services. Put simply, LBS can save lives. Therefore, TechAmerica believes that regulators should allow the LBS industry and the marketplace to grow and thrive relatively unhindered by regulation.

The Commission has a history of respecting the need to refrain from regulating, especially in the mobile broadband space, in order to promote innovation. This is most certainly true with regard to the Commission's treatment of wireless services at their early growth phase.<sup>3</sup> The same philosophy that applied then also applies now to LBS.

### **The LBS Industry Takes Consumer Privacy Seriously**

Indeed, TechAmerica recognizes the importance of consumer privacy to the success of the Internet and the utilization of broadband services. Absent consumer trust, LBS providers and the entities that support LBS will be unable to develop services

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<sup>3</sup> Of particular note is the Commission's decision in the mid-1990s to forbear from regulating CMRS under several sections of Title II of the Communications Act. This sage decision has enabled the monumental success and growth of the wireless industry in the United States.

that meet their full potential. In this regard, leading providers and enablers of LBS have taken actions that demonstrate their commitment to consumer privacy. For example, companies such as Apple, Google, Microsoft, and Facebook all require consumers to “opt-in” before using LBS and, if applicable, prior to the sharing of their location-based information with third parties. Further, such companies either require or encourage third party application developers to adhere to certain privacy guidelines in order to ensure consumers’ privacy is protected. And all are transparent with consumers and empower them with information regarding the collection and use of their location-based data.<sup>4</sup>

Suffice it to say, consumer privacy is highly respected by the LBS industry. Regulation in this regard at this time is unnecessary.

## **Conclusion**

TechAmerica appreciates the Commission’s interest in LBS. As mobile broadband deployment and adoption increases, especially as the rollout of 4G technologies continue, and “smart” mobile devices proliferate further, LBS will enable consumers to improve their lives while at the same time bolstering economic gain.

Inherent in the growth and maturation of LBS is the protection of consumer privacy. Already, as we remain in the midst of the infancy of LBS, leading providers of such services are demonstrating their commitment to consumer privacy.

Regulators, including the Commission, should refrain from regulating LBS and instead allow the services to continue to thrive in the robust technological marketplace.

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<sup>4</sup> Indeed, Microsoft recently announced that it is now sharing relevant portions of its source code for its managed driving data collection software. The source code demonstrates both the type and amount of data collected by Microsoft when surveying Wi-Fi access points through managed driving. See [http://blogs.technet.com/b/microsoft\\_on\\_the\\_issues/](http://blogs.technet.com/b/microsoft_on_the_issues/) (last visited July 6, 2011).